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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,830	11/14/2003	Junichi Ogikubo	450100-04816	2574

7590 11/20/2009
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EXAMINER

SCHNURR, JOHN R

ART UNIT	PAPER NUMBER
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2421

MAIL DATE	DELIVERY MODE
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11/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/713,830	Applicant(s) OGIKUBO, JUNICHI	
	Examiner JOHN SCHNURR	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-11, 13-21, 23-26, 28-31, 34-37, 40-45, 47-50, 52-55, 58-62, 64, 65, 68-72, 74 and 75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1,2,4-11,13-21,23-26,28-31,34-37,40-45,47-50,52-55,58-62,64,65,68-72,74 and 75.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/04/2009 has been entered.

DETAILED ACTION

1. Claims 1, 2, 4-11, 13-21, 23-26, 28-31, 34-37, 40-45, 47-50, 52-55, 58-62, 64-65, 68-72, 74 and 75 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 06/09/2009 have been fully considered but they are not persuasive.

In response to applicant's argument (Remarks pgs. 20-22) that the combination of Wang (US 2002/0191950) and Amir (US 6,760,536) does not teach information associated with image data includes a set frame rate which limits a reproduction speed of the image data by skipping selected frames as a function of the set frame rate, the examiner respectfully disagrees. Wang discloses associated information defining video segments and reproduction rules for each segment ([0028] and [0073]). Amir discloses limiting frame selection rates based on video segment classification, video frames are skipped as a function of the selection rate (col. 6 line 34 to col. 7 line 5 and col. 4 line 53 to col. 5 line 26).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1, 2, 5-8, 10, 11, 14-17, 19-21, 24-26, 29-31, 35-37, 41-43, 55, 59-62, 64-65, 69-72, 74 and 75** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang (US 2002/0191950)** in view of **Amir et al. (US 6,760,536)**, herein Amir.

Consider **claim 1**, Wang clearly teaches a data processing apparatus comprising:

a combining device for combining main data including at least one of audio data and image data exhibiting a reference frame rate FR_r , with associated information indicating limitation information for limiting reproduction speed of a predetermined content of said main data, which cannot be overridden by the user, when reproducing the predetermined content of said main data; **(Fig. 6: Video plus content classification signal creation device 220 combines the audio and video data with a classification signal, which limits the reproduction speed of the video signal, [0028] and [0073]. Video data inherently exhibits a frame rate.)**

a transmitting device for transmitting said main data combined with said associated information. **(Fig. 6: The combined signal is transmitted over bus 222a, [0073].)**

However, Wang does not explicitly teach the associated information including a set frame rate (FR_s) that is n times the reference frame rate (n is an integer or a fraction) the limitation information limiting the reproduction speed of the predetermined content to a maximum speed less than a fast reproduction speed selectable by the user, said user-selectable fast reproduction speed being produced by skipping selected frames of said main data as a function of FR_s .

In an analogous art, Amir, which discloses a system for fast playback of video data, clearly teaches applying different frame selection rates to a video based on

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scene classification (e.g. commercials) thus limiting the reproduction speed of the predetermined content to a maximum speed less than a fast reproduction speed selectable by the user, and varying the reproduction speed by skipping selected frames of said main data as a function of FR_s . **(col. 6 line 34 to col. 7 line 5 and col. 4 line 53 to col. 5 line 26)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang by limiting the reproduction speed of the predetermined content to a maximum speed less than a fast reproduction speed selectable by the user, as taught by Amir, for the benefit of more easily processing and analyzing digital video data.

Consider **claim 2**, Wang combined with Amir clearly teaches said associated information comprises frame rate information indicating a frame rate of said main data. **([0028] Wang and col. 3 lines 57-67 Amir)**

Consider **claim 5**, Wang combined with Amir clearly teaches said limitation information includes information for maintaining quality of said predetermined content of the main data when reproducing the main data. **(The content classification signal prevents the user from fast forwarding the video, [0028] Wang. Fast forwarding will degrade the quality of the video.)**

Consider **claim 6**, Wang combined with Amir clearly teaches said transmitting device transmits said main data combined with said associated information through a communication path. **(Fig. 6: The video and classification signals are transmitted via bus 222a, [0073] Wang.)**

Consider **claim 7**, Wang combined with Amir clearly teaches said transmitting device allows recording said main data combined with said associated information on recording medium. **(Fig. 6: Video recording and playback device 226 records the signal, [0071] and [0022] Wang.)**

Consider **claim 8**, Wang combined with Amir clearly teaches an adjuster for adjusting a frame rate of said main data. **(If the user is fast forwarding through the video content the frame rate will be adjusted when a portion of the content is reached in which fast forwarding is prevented, [0030] Wang.)**

Consider **claim 10**, see claim 1.

Consider **claim 11**, see claim 2.

Consider **claim 14**, see claim 5.

Consider **claim 15**, see claim 6.

Consider **claim 16**, see claim 7.

Consider **claim 17**, see claim 8.

Consider **claim 19**, see claim 1.

Consider **claim 20**, see claim 1.

Consider **claim 21**, see claim 2.

Consider **claim 24**, see claim 5.

Consider **claim 25**, see claim 1.

Consider **claim 26**, see claim 2.

Consider **claim 29**, see claim 5.

Consider **claim 30**, see claim 1.

Consider **claim 31**, see claim 1. Wang further teaches a correcting device for correcting said associated information on said main data when said determining device determines that said indication information indicates said limitation information. **(Fig. 8c: The manual content classification device reviews and modifies the content classification signal, [0083].)**

Consider **claim 35**, see claim 5.

Consider **claim 36**, Wang combined with Amir clearly teaches said indication information is provided from a user. **(Fig. 8c: The manual content classification device is operated by users, [0084] Wang.)**

Consider **claim 37**, see claim 31.

Consider **claim 41**, see claim 5.

Consider **claim 42**, see claim 36.

Consider **claim 43**, see claim 31.

Consider **claim 55**, see claim 1.

Consider **claim 59**, see claim 5.

Consider **claim 60**, Wang combined with Amir clearly teaches said reproducing device reproduces said main data according a condition set beforehand when said main data is not combined with said associated information. **(Fig. 8A: The reproduction of the video data is based on the classification signal. The classification signal is created by classification device 402 using conditions set before the video and classification signals are combined, [0078] Wang.)**

Consider **claim 61**, see claim 8.

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Consider **claim 62**, Wang combined Amir clearly teaches said adjusting device adjusts a frame rate of said main data when reproducing the predetermined content of said main data to a reproduction speed of said audio data and image data indicated by said associated information. **(If the user is fast forwarding through the video content the frame rate will be adjusted when a portion of the content is reached in which fast forwarding is prevented, [0030] Wang.)**

Consider **claim 64**, Wang combined with Amir clearly teaches wherein said associated information indicates a recommended reproduction speed; **([0028] Wang)** and wherein said adjusting device adjusts a frame rate of said main data when reproducing the predetermined content of said main data to the recommended reproduction speed of said audio data and image data indicated by said associated information. **(If the user is fast forwarding through the video content the frame rate will be adjusted when a portion of the content is reached in which fast forwarding is prevented, [0030] Wang.)**

Consider **claim 65**, see claim 1.

Consider **claim 69**, see claim 5.

Consider **claim 70**, see claim 60.

Consider **claim 71**, see claim 8.

Consider **claim 72**, see claim 62.

Consider **claim 74**, see claim 64.

Consider **claim 75**, see claim 1.

5. Claims **4, 13, 23, 28, 34, 40, 58 and 68** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang (US 2002/0191950)** in view of **Amir et al. (US 6,760,536)** further in view of **Nakamura et al. (US 7,013,477)**, herein Nakamura.

Consider **claims 4, 13, 23, 28, 34, 40, 58 and 68**, Wang combined with Amir clearly teaches a data processing apparatus providing limitation information for main data.

However, Wang combined with Amir does not explicitly teach said limitation information includes information for limiting a display size of image when reproducing the main data.

In an analogous art, Nakamura, which discloses a system for receiving broadcast video information, clearly teaches limitation information includes information for limiting a display size of image when reproducing the main data. **(When a commercial is being reproduced the size of the display is set so that a**

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highlight scene may be displayed at the same time, column 34 line 42 to column 35 line 40.)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang combined with Amir by including information limiting the size of the display, as taught by Nakamura, for the benefit of preventing a viewer from losing interest in a program during a commercial (column 5 lines 25-32 Nakamura).

6. Claims **9, 18, 44, 45, 48-50, 53 and 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang (US 2002/0191950)** in view of **Amir et al. (US 6,760,536)** further in view of **Nagashima et al. (US 6,434,746)**, herein Nagashima.

Consider **claims 9 and 18**, Wang combined with Amir clearly teaches a data processing apparatus providing limitation information for main data.

However, Wang combined with Amir does not explicitly teach said adjuster adjusts the frame rate of said main data transmitted from said transmitting device by storing said main data temporarily on a storage medium and controlling read-out of said main data from said storage medium according to a bandwidth of said communication path referring to said limitation information.

In an analogous art, Nagashima, which discloses a system for receiving video information, clearly teaches an adjuster adjusts the frame rate of said main data transmitted from said transmitting device by storing said main data temporarily on a storage medium and controlling read-out of said main data from said storage medium according to a bandwidth of said communication path referring to said limitation information. **(The system monitors the traffic on the network and provides a lower frame rate if the traffic is heavy, column 8 lines 35-65.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang combined with Amir by including an adjuster adjusting the frame rate of said main data transmitted from said transmitting device by storing said main data temporarily on a storage medium and controlling read-out of said main data from said storage medium according to a bandwidth of said communication path referring to said limitation information, as taught by Nagashima, for the benefit of transmitting the best quality video the network can provide (column 5 lines 1-7 Nagashima).

Consider **claim 44**, see claim 1.

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However, Wang combined with Amir does not explicitly teach an editing device for editing main data including at least one of audio data and image data.

In an analogous art, Nagashima, which discloses a system for receiving video information, clearly teaches an editing device for editing main data including at least one of audio data and image data. **(The video is edited depending on the congestion of the network, column 8 lines 35-65.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang combined with Amir by utilizing an editing device for editing main data including at least one of audio data and image data, as taught by Nagashima, for the benefit of transmitting the best quality video the network can provide (column 5 lines 1-7 Nagashima).

Consider **claim 45**, see claim 2.

Consider **claim 48**, see claim 5.

Consider **claim 49**, see claim 44.

Consider **claim 50**, see claim 2.

Consider **claim 53**, see claim 5.

Consider **claim 54**, see claim 44.

7. Claims **47 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang (US 2002/0191950)** in view of **Amir et al. (US 6,760,536)** in view of **Nagashima et al. (US 6,434,746)**, as applied to claims 44 and 49 above, and further in view of **Nakamura et al. (US 7,013,477)**.

Consider **claims 47 and 52**, Wang combined with Amir and Nagashima, as applied to claims 44 and 49, clearly teaches a data processing apparatus using limitation information.

However, Wang combined with Amir and Nagashima, as applied to claims 44 and 49, does not explicitly teach said limitation information includes information for limiting a display size of image when reproducing the main data.

In an analogous art, Nakamura, which discloses a system for receiving broadcast video information, clearly teaches limitation information includes information for limiting a display size of image when reproducing the main data. **(When a commercial is being reproduced the size of the display is set so that a**

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highlight scene may be displayed at the same time, column 34 line 42 to column 35 line 40.)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang combined with Amir and Nagashima, as applied to claims 44 and 49, by including information limiting the size of the display, as taught by Nakamura, for the benefit of preventing a viewer from losing interest in a program during a commercial (column 5 lines 25-32 Nakamura).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on M-F 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/

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Supervisory Patent Examiner, Art Unit 2421

JRS